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09/736,430	12/15/2000	Jocelyn Cloutier	113592 (1014-087)	8766

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LAI, DANIEL	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/736,430	CLOUTIER ET AL.	
	Examiner	Art Unit	
	DANIEL LAI	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 August 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13-15 and 39-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13-15 and 39-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Response to Arguments

Applicant's arguments filed 12 August 2009 have been fully considered but they are not persuasive. In response to the argument that Lankford in view of Moteki do not disclose "synchronize the first complementary data stream and the second complementary data stream by introducing a relative delay to whichever of the first complementary data stream and the second complementary data stream corresponds to a shorter delay time of the first delay time and the second delay time, the relative delay being one half of a difference between the first delay time and the second delay time", Examiner respectfully disagrees. Lankford discloses synchronizing an audio stream and a video stream by introducing a delay (col. 2, lines 44-49). One with ordinary skills in the art would recognize that it is common sense to delay the stream that has shorter delay, or in other words, the data stream that is received earlier for synchronization, or otherwise the data streams cannot be synchronized. Therefore, Lankford discloses the limitation "synchronize the first complementary data stream and the second complementary data stream by introducing a relative delay to whichever of the first complementary data stream and the second complementary data stream corresponds to a shorter delay time of the first delay time and the second delay time". Lankford does not expressly disclose the relative delay is "one half of a difference between the first delay time and the second delay time". However, the delay time can simply be a round trip delay, and one half of the round trip delay would equal to the delay for the receiver to receive the data stream. Therefore, "one half of a difference between the first delay time and the second delay time" is just the difference one way delay difference between the

audio delay and the video delay. Finding such an optimum value (one way delay difference between audio data stream and video data stream) does not yield unexpected result because in order to synchronize the audio data stream and video data stream, one with ordinary skills in the art would realize there should not be any time difference between the data streams (synchronization), and adding the delay difference to the data stream that was received at an earlier time (data stream with shorter delay) would achieve the result of eliminating the time difference.

As a result, the argued features read upon the cited references.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 13, 14 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lankford et al. (US 5,430,485, hereinafter Lankford) in view of Moteki et al. (US 6,243,645 B1, hereinafter Moteki).

Regarding Claim 13, Lankford discloses a system for synchronously delivering complementary data through a network (Abstract). Lankford discloses a control unit operable to measure a first delay time associated with a first complementary data stream delivered to a first device and a second delay time associated with a second complementary data stream delivered to a second device (col. 5, line 62-col. 6, line 39, where Lankford discusses determining audio and video delay, col. 4, lines 27-44, where Lankford discusses first complementary data stream and second complementary data stream are received by a first and second device, respectively), and synchronize the first complementary data stream and the second complementary data stream by introducing a relative delay to whichever of the first complementary data stream and the second complementary data stream corresponds to a shorter delay time of the first delay time and the second delay time (col. 2, lines 45-49, where Lankford discusses delaying a respective frame of synchronization); And the first device connected to the control unit through the network and the second device connected to the control unit through the network (col. 4, lines 10-44, where Lankford discusses a circuit network). Lankford discloses a video and audio receiving device,

wherein supplementary data delivered to the second device, but does not expressly disclose the relative delay being one half of a difference between the first delay time and the second delay time, and wherein the first device is a vehicle navigation system and wherein the complementary data includes navigational video data delivered to the first device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the delay to one half of a difference between the first delay time and the second delay time, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Furthermore, providing video and audio to a vehicle navigation system has been well known in the art. For example, Moteki discloses a navigational system with navigational audio and video input (Abstract, col. 5, lines 23-52). One with ordinary skills in the art would recognized the receiving device as disclosed by Lankford can be implemented for the vehicle navigation system as disclosed by Moteki so that synchronized audio and video can be presented to user. It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the synchronizing received audio and video as disclosed by Lankford to implement the feature to the navigational apparatus as disclosed by Moteki in order to provide synchronized audio and video navigational data to user.

Regarding Claim 14, Lankford further discloses the supplementary data is audio data (col. 3, lines 46-47, col. 4, lines 37-44).

Regarding Claim 40, Lankford in view of Moteki discloses the limitations of Claim 13 as applied above. The references fail to explicitly disclose scheduled data delivery. However, Examiner takes Official Notice that scheduling a data delivery has been well known in the art.

For example, a timer can be set to allow data to be output when the timer expires. One with ordinary skill in the art could have modified the control unit as disclosed by Lankford to implement a timer such that the complementary data will be delivered at a later time, i.e., time when the audio and video data are synchronized. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the control unit for audio and video synchronization as disclosed by Lankford in view of Moteki to implement a timer in order to allow the audio and video data to be synchronized and to be delivered when the audio and video data to be synchronized.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lankford in view of Moteki as applied to claim 13 above, and further in view of O'Callaghan (US 5,820,463).

Lankford in view of Moteki discloses the limitations of Claim 13 as applied above. Lankford discloses using a reference time to determine audio and video delay, but does not expressly disclose using a Packet Internet Groper (PING) packet to determine the delay. However, since Lankford discloses the invention is capable of changes or modifications (col. 7, lines 5-9), one with ordinary skills in the art could modify the method the method of determining the delay as an alternate design choice. For example, O'Callaghan discloses a method of determining time delay by using a ping message (col. 4 lines 45-54). It would have been obvious to one having ordinary skill in the art at the time of the invention to replace the method of determining time delay as disclosed by Lankford in view of Moteki to use a PING message as disclosed by O'Callaghan as an alternative engineering design choice.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lankford in view of Moteki as applied to claim 13 above, and further in view of Levine (US 6,243,030 B1).

Lankford in view of Moteki discloses the limitations of Claim 13 as applied above. The references do not expressly disclose the control unit is adapted to determine a location of services near of vehicle, the services comprising at least one of a location of a hospital and a gasoline station. In a similar field of endeavor, Levine discloses a video navigational apparatus which display location of gas stations, restaurants and other information near a vehicle to assist a traveler in finding the necessary products, service, or other assistance needed (col. 5, line 65-col. 6, line 26). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the control unit for synchronizing audio and video data as disclosed by Lankford to implement the control unit on a vehicle navigational apparatus as disclosed by Moteki, and further determine location of gas stations, restaurants and other information near a vehicle in order to assist a traveler in finding the necessary products, service, or other assistance needed.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lankford in view of Levine.

Regarding Claim 15, Lankford discloses a system for synchronously delivering complementary data through a network (Abstract). Lankford discloses a control unit operable to measure a first delay time associated with a first complementary data stream delivered to a first device and a second delay time associated with a second complementary data stream delivered to a second device (col. 5, line 62-col. 6, line 39, where Lankford discusses determining audio and video delay, col. 4, lines 27-44, where Lankford discusses first complementary data stream and second complementary data stream are received by a first and second device, respectively), and synchronize the first complementary data stream and the second complementary data stream by

introducing a relative delay to whichever of the first complementary data stream and the second complementary data stream corresponds to a shorter delay time of the first delay time and the second delay time (col. 2, lines 45-49, where Lankford discusses delaying a respective frame of synchronization); And the first device connected to the control unit through the network and the second device connected to the control unit through the network (col. 4, lines 10-44, where Lankford discusses a circuit network). Lankford discloses a video and audio receiving device, wherein supplementary data delivered to the second device, but does not expressly disclose the relative delay being one half of a difference between the first delay time and the second delay time, and wherein the first device is a monitor and wherein the complementary data includes video data delivered to the first device and subtitle delivered to the second device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the delay to one half of a difference between the first delay time and the second delay time, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). In an analogous art, Levine discloses a video display navigational system which displays video map images and names of streets (subtitle). It would be advantageous to ensure that the name of streets display on the navigational system is synchronized with the video map and otherwise the navigational system would provide wrong information to a traveler. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize the control unit for data synchronization as disclosed by Lankford for the navigational system as disclosed by Levine in order to ensure that the subtitle information is synchronized with the video map so that the video map is displayed with correct street names.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LAI whose telephone number is (571)270-1208. The examiner can normally be reached on Monday-Thursday 9:00 AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. L./
Examiner, Art Unit 2617

/LESTER KINCAID/

Supervisory Patent Examiner, Art Unit 2617